THE
# Dan Smoot Report

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DAN SMOOT

# Unionism Versus Freedom

Throughout 1958, the problem of unionism was a heated political issue. Early in the year, retiring U. S. Congressman Ralph Gwinn (Republican, New York) made a number of speeches saying that union bosses virtually control both houses of the national congress and warning that if businessmen — the only group in our society with adequate resources and organization to fight unionism — do not vigorously enter the political fight to send constitutionalists to Congress, Americans will soon be living under the dictatorship of a socialist-labor government.

The 85th Congress proved the accuracy of Mr. Gwinn's contention.

The McClellan committee's disclosure of widespread gangsterism and corruption in big unions, and of the use of violence and terrorism as commonplace union methods of browbeating industry and keeping workers under union boss control, had created a swelling public demand for laws to curb the unbridled power of unionism.

The union-controlled leadership of the 85th Congress, unable to ignore this demand, introduced bills which it said were intended to correct the abuses of unionism but which were actually pro-union business-harrassment laws. The top leadership of this union-controlled cabal in the national congress consisted of the two leading Texas Democrats (Lyndon Johnson, majority leader in the Senate, and Sam Rayburn, Speaker of the House), together with Senators John Kennedy (Democrat, Massachusetts), Paul Douglas (Democrat, Illinois) and Irving Ives (Republican, New York) who wrote the Kennedy-Douglas-Ives Bill (Senate Bill 2888).

With the powerful leadership of both houses under the control of union bosses, it was impossible for legislators who wanted honest correction of union abuses to get their proposals out of committee. The best that they could do was to defeat the falsely-labeled Kennedy-Douglas-Ives Bill. They did this; but, as usual, the deal was so rigged that the pro-union

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leadership of Congress could not lose: in losing the Douglas-Ives-Kennedy Bill, the pro-union leadership kept any real union-control legislation from serious consideration; and it gave itself a fine campaign issue: it had tried to correct abuses but had been hamstrung by die-hard reactionaries!

With the national Congress offering no hope for solution of one of the most sinister problems of our times, attention of the public focussed on activity in the states — particularly in California, Colorado, Idaho, Kansas, Ohio, and Washington, where right-to-work propositions were on the ballot for a vote of the people in the November general elections.

Regardless of the outcome of these six elections, the right-to-work issue is here to stay for a long time. The outcome will provide an answer to a key question of this century: will the American system degenerate into a socialist-labor dictatorship? The answer is *yes* if unions succeed in killing the right-to-work movement. The answer could be *no* if the people of the 48 states, through amendments to their state constitutions or action of their state legislatures, pass right-to-work laws which will effectively free workers and the general public from the lawless tyranny of big unions.

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## The Case Against

On August 1, 1958, the AFL-CIO published a 133-page book entitled *Union Security: The Case Against The "Right-to-Work" Laws.* Intended for use as a primary weapon in the right-to-work controversy, the book presents the unions' total argument against right-to-work laws. Carefully studied, the book is actually powerful proof of our crying need for the very laws which it tries to condemn.

Cecil B. deMille, speaking to the Los Angeles Rotary Club on September 19, 1958, said:

***"The opponents (of right-to-work laws) are living up to the old saying among lawyers, 'When you have a weak case, abuse the plaintiff'. . . . They cannot talk about the basic issues of compulsion. They dare not tell the facts to the American people. Their only hope of victory lies in lies — in massive deception."***

What Mr. deMille says can be documented in the unions' book on this subject.

In the first chapter of *Union Security: The Case Against The "Right-to-Work" Laws,* the unions take credit for all prosperity in America. You get the impression that if it were not for unions, America would be a land of poverty, mass unemployment, and slave-labor sweatshops. But in another chapter which tries to explain away the fact that prosperity is above-average in states which have "union-busting" right-to-work laws, the union book admits that unions had nothing to do with economic growth: prosperity was caused by technological developments in industry and by war spending of government.

In one chapter when arguing that compulsory unionism is justified because all workers want it, this union book presents statistics to prove that whenever workers have a chance they vote overwhelmingly for the enforced union membership of closed shops or union shops. Elsewhere, when arguing that unions cannot survive without enforced membership, the union book shows that wherever and whenever American workers are left free to join or not to join a union, they choose not to join:

***"During the open shop drive at the turn of the 20th century, the employer groups . . . agreed with one another not to enter union security arrangements, and union membership declined drastically. Many young and weak unions were wiped out altogether. The same pattern followed in the 1920's when the NAM opened the drive for the 'American Plan.' Some of the unions formed during the days of World War I were unable to survive and the older unions lost membership."***

Throughout this union book, the most abusive language is used against Americans who favor right-to-work laws.

On page 104, the book quotes Bishop G. Bromley Oxnam, President, Council of Bishops

of the Methodist Church, as saying:

*"Greedy and undemocratic powers . . . are among those who today sponsor these 'right-to-work' laws. The public is being deceived by the machinations of these stupid men."*

On Page 105, the Rabbinical Council of America is quoted as calling non-union workers "moral parasites."

On the same page, The Reverend Doctor Walter G. Muelder, Dean, Boston University School of Theology, says:

*"The 'right-to-work' laws are a virtual conspiracy of the crafty, the ignorant, or the misguided."*

On Page 101, Mrs. Eleanor Roosevelt calls right-to-work efforts "predatory and misleading campaigns."

On Page 103, the Most Reverend Francis Rummel, Archbishop of New Orleans, characterizes right-to-work laws as,

*"insincere. . . . unfair and unsocial class legislation contrary to the common good."*

Reinhold Niebuhr, Professor of Philosophy at Union Theological Seminary says:

*"The implausability of the so-called right-to-work laws is so obvious that one must come to the conclusion that their proponents are either stupid or dishonest."*

* * * * *

## What are Right-to-Work Laws?

In a foreword to *Union Security: The Case Against the "Right-to-Work" Laws,* George Meany, President of the AFL-CIO, begins by asking,

*"What are the so-called 'right-to-work' laws?"*

He insinuates that backers of right-to-work laws claim them to be laws against unemployment, guarantees of jobs for workers. Mr. Meany says:

*"Those are only some of the glamorous claims made by propagandists for the so-called 'right-to-work' laws. They are all false."*

It is Mr. Meany's predicate that is false. The backers of right-to-work laws do not claim them to be job-guarantees or unemployment legislation. The state right-to-work laws, though their wording varies from state to state, all have one very simple, central purpose: to outlaw enforced unionism, by whatever name it may be called. It used to be called "closed shop." It is now generally called "union shop."

The Taft-Hartley Act outlaws the closed shop, permits the union shop; but there is no essential difference between the two. *Closed shop* means that any employee who goes to work for a unionized company has to belong to a union before he can go to work. *Union shop* means that any employee who goes to work for a unionized company must join the union within a specified number of days or lose his job.

The state right-to-work laws say that a company cannot force a man to join a union as a condition of employment; but they also say that a company cannot refuse to hire a man merely because he belongs to a union.

The theory of right-to-work laws is that an individual must have the freedom to decide for himself whether he will join a union. Management and union organizations cannot make a contract which will force an individual to join a union. Nor can management lay down a requirement that will force the individual *not* to join a union.

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## Freedom of Contract

In their *Case Against the "Right-to-Work" Laws,* the unions argue for "freedom of contract": if an employer and his employees want to sign a contract establishing a union shop, they should have the freedom to do so; government should not intervene to tell a businessman and his employees what kind of working contract they should have.

This union argument would make complete sense if it were honest; but it is false on several counts. The unions do not want management

and *workers* to have freedom to make the kind of contracts *they* want. Unions want management and *unions* to have the special privilege of making the kind of contracts *unions* want.

There was a time when employers did have freedom of contract: they could make an agreement with employees that if they joined a union they would lose their jobs. Union bosses denounced such agreements as "yellow-dog" contracts. They did not want employers to have such freedom of contract; and they finally succeeded in having government do exactly what they now claim they don't want government to do — that is, to intervene and tell a company what kind of agreement it could *not* make with its employees.

The Norris-Laguardia Act of 1932, passed in response to union pressure, outlawed what the unions called "yellow dog" contracts. It also outlawed the closed shop. In other words, the Norris-Laguardia Act of 1932 (which was a law the unions fought for) did exactly what the state right-to-work laws now do: forbade an employer to establish union membership, or non-membership in a union, as a condition of employment.

Unions do not want impartial treatment by law. They want special favoritism. Having got the Norris-Laguardia Act of 1932 which prohibited "yellow dog" contracts, unions started agitation for a law which would continue that prohibition against management, but which would enable unions to make their own "yellow dog" — that is, closed shop — contracts. The communist-written Wagner Act of 1935 did exactly what the union bosses wanted: it continued to outlaw management agreements which forbade employees to join unions; but it permitted management to make agreements forcing union membership on employees.

There is nothing free or voluntary about the contracts which force employees to join unions. In the first place, the employees have nothing to do with making the contracts. The contracts are made by management and a union — an outside organization that both management and the employees may, and frequently do, despise.

Moreover, most of the companies which negotiate union shop agreements with big unions do not want to do it. They are not exercising any freedom to make the kind of contract they want: they are knuckling under to the brute force and violence of union bosses who can, and frequently do, shut down whole industries; hold the population of great cities for ransom; have loyal employees beaten, maimed, and stomped to death and their personal property destroyed; and terrorize communities of innocent women and children — for the sole, and *admitted*, purpose of making management force workers to join unions and pay dues against their will.

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## Protecting the Workers

One of the cleverest touches in *Union Security: The Case Against "Right-to-Work" Laws* (as in all other union propaganda) is the identifying of *unions* with the working people who are victimized by unions.

Throughout this union book, there is careful avoidance of calling union shops *enforced union membership* — which is what they are. The union contracts which compel management to force its employees into a union, and which compel management to deduct union dues from employees' wages, are called "union security" arrangements. "Union security" is made to mean a measure of security for the poor workers — security against ruthless acts by heartless management.

Actually, these "union security" arrangements merely guarantee money and power for the union bosses, at the expense, primarily, of the employees.

Few of the great strikes which cause bloodshed and suffering for workers and their families are intended to get something for workers. They are intended to get something for union bosses.

When Walter Reuther massed imported pickets at the gates of the Kohler plant in Kohler, Wisconsin, and instituted a train of violence which still continues and which has resulted in murder, vandalism, arson, boycott, and limitless terrorism against innocent people, Reuther was not trying to get anything for workers at the Kohler plant. Reuther was trying to bludgeon Kohler into forcing his employees into Reuther's union, when the employees had made it very clear that they didn't want to be in Reuther's outfit.

In the early 1950's when John L. Lewis unleashed a series of armed hoodlum attacks against towns and whole communities throughout the south, Lewis was not trying to get anything for workers who belonged to his union. The UMW's bombing of homes and dynamiting of plants and armed ambushing of family cars on the public roads were efforts to force all gainfully employed people in an entire region (whether miners or not) to join John L. Lewis' United Mine Workers.

When Harry Bridges, a few years ago, called a walkout which shut down shipping on the west coast, paralyzed the economy of the Hawaiian Islands, and temporarily crippled vital American military forces at Pearl Harbor, Bridges was not demanding anything for men who worked as longshoremen or as laborers in the Hawaiian pineapple and sugar industries. Bridges was merely staging a protest against the action of a federal district court which had found one of Bridges' henchmen guilty of communist sedition under the Smith Act.

When the Teamsters' Union shut off the milk supply for all the millions of people in New York City a few years ago, the union bosses were not trying to get increased benefits for truckdrivers: they were clubbing millions of innocent men and women and children, because there were some truckdrivers in New York who didn't belong to the Teamsters' union.

## Free Rider

The Unions' *Case Against the "Right-to-Work" Laws* labors the "free rider" argument, which is probably the most vicious and sinister of all union arguments.

The "free rider" argument holds that because a union gets benefits for all employees, all employees should be forced to support the union: employees who get the benefits of unionism without paying dues are getting a free ride at the expense of union members. Unions call these sturdy Americans who want to be left alone many harsh names: moral parasites, scabs, spies, traitors, union-busters.

Unions claim it is a heavy burden on them to bargain for employees who do not pay union dues.

Actually, contract negotiating is about the least expensive of all union activities. Unions spend most of their money on political lobbying and propaganda — and on slush funds for union officials.

Moreover, it was unions who demanded this monopoly of bargaining which they now claim to be such a burden.

Unions are not content to go into a company and sell their services on a voluntary basis, to employees who want to buy, permitting employees who don't want union membership to do their own individual bargaining.

Unions know they would get nowhere in a system like this. Not very many employees would willingly buy union services, because an able and ambitious employee, if permitted to apply himself and work as hard as he wants to, could get ahead much faster on his own than by being tied down to the general average of mediocrity which union bosses require.

So, union bosses demanded a law which would give them exclusive bargaining rights for all employees in a plant where they can get a bare majority of employees to vote for the union. They got it (in both the Wagner Act and the Taft-Hartley Act); and now they

claim they are imposed on if the employees who don't want their services are not forced to pay for them.

The truth is, as Donald Richberg points out in his fine book *Labor Union Monopoly* (Henry Regnery Company, Chicago, 1957):

*"The unions took away by law the right and freedom of individual employees to contract for themselves — and now the unions demand that non-members be compelled to pay for having their freedom of contract taken away and exercised against their will! The non-member is not a 'free rider'; he is a captive passenger."*

Inasmuch as unions do much good for so many people, all people who benefit should be forced to support the unions!

If there were any sense or validity in this argument, then all churches, clubs, fraternal organizations, political parties, and other groups whose activities are thought to be beneficial to society could compel all members of society to join and pay dues.

Unions answer this point by saying unions are different. Unions, in fact, claim that they should have the power of government itself. When the AFL challenged the constitutionality of a state right-to-work law in the *Lincoln Union vs. Northwestern Company* case (in 1949), AFL lawyers filed a brief which said:

*"The common rule of collective bargaining carries with it the legal doctrine that the union is the common authority for government of a society of workers. It has in a sense the powers and responsibilities of a government."*

This is identical with the corporate-state idea which Mussolini tried out in Italy and called fascism. It is also identical with the communist idea that all workers in a workers' soviet, or union, must be governed by that soviet, or union.

Throughout the unions' *Case Against the "Right-to-Work" Laws,* there is emphasis on this communistic-fascistic notion that unions should have the power and prerogatives of government itself:

*"There can be only one government representing citizens and, by law, there can be only one union representing a given body of employees. At one time in our nation's history, both police forces and labor unions were private organizations in the sense that both were free to deny their services to those who refused to pay in advance. . . .*

*"Changes in our society now require that police protection be made available to all citizens, whether they order it or not. When police protection was made available and imposed by law upon everyone, the cost of operating a police department was imposed upon all citizens within the geographical unit in the form of taxation.*

*"It is equally just and reasonable with union protection required by law to be made available to every employee, that all members of the industrial unit pay for the cost" (p. 78).*

*"The answer to the problem of dishonest officials (be they union, city or state officials) is not to put tax (or dues) paying on a voluntary basis. The answer . . . is greater participation and interest in the affairs of government (be it union, city or state government). . . .*

*"Just as tax paying stimulates an interest in local government, dues paying stimulates an interest in union government" (p. 120).*

And on Page 82 of the unions' *Case Against the "Right-to-Work" Laws:*

*"The good of the many is of greater moral value than the good of the individual."*

This is what Hitler said a thousand times: "The individual is nothing; society is everything; heil Hitler!"

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## Union Benefits

In their *Case Against the "Right-to-Work" Laws,* the unions talk about the benefits which unionism has produced for America at large. They boast, not about what they have done, really, but about what they have forced others to do. And their primary boast is about their *political* activity, which they are not supposed to engage in and which has nothing to do with legitimate union problems.

On pages 1-3, the unions boast that they successfully lobbied for public housing, socialized power (TVA), social security, rural electrification, federal seizure of state-owned tidelands oil, farm subsidies, and even for the Supreme Court's school desegregation decision.

Throughout the book, unions argue that by forcing management to pay higher wages, unions create more buying power and thus raise living standards for all of society.

An armed robber could have the same effect. If a gunman walked into a big company in your community and forced management to pay all employees a cash bonus, he would be raising living standards in the same way that big unions do.

The gunman would not increase the efficiency of employees so that the company could turn out more goods per man hour of labor and thus have more profits to distribute to employees. The unions do not either.

The gunman would, in fact, decrease production in the plant by causing turmoil and work stoppage. That's what unions do.

The gunman would merely compel the company to put more money in circulation. If the gunman could get away with such an act every payday, he would decrease "living standards" in your community, because the company would have to raise prices in order to make up for the decrease in production and for the money stolen. If the company is big enough to be a dominant factor in your community, all other businesses would soon be compelled to raise their prices too.

Very soon, the economy of your community would be inflated to the point where it would be in worse shape than before the gunman started playing robinhood.

This is the effect that unions have on our economy generally.

There was a time, in the early days of unionism, when this was not so. When unions were voluntary associations of free working men, unions trained their members and set high standards of performance for them. Then, when management hired union men it was getting superior employees.

Union members could command higher wages than non-union people, because they were worth it: they had more skill and training and were more reliable.

Not so any more: big unions today require nothing of members except the payment of

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all dues and assessments and obedience to the orders of union bosses.

Efficiency, enthusiasm for the job, interest in the company's welfare, and improved production are *not* encouraged by union activity today; they are discouraged.

Hence, unions do not increase living standards in our society; they depress living standards.

The only way to increase living standards in any society is to increase the amount of goods and services produced by a man-hour of labor.

American management, fighting for profits, has continuously raised the level of production by introducing new techniques, new machinery, better plants, and better tools. Big unions have continuously depressed the level of production by work-stoppages, strikes, and featherbedding practices; and by destroying the personal initiative of individual workers.

Our living standards have been steadily rising, because management has done a better job of increasing production efficiency than unions have done in decreasing it.

## Solution

If the unions' "freedom of contract" argument were honest, I would say that this is the ideal solution for the dangerous problems of unionism today. If we would repeal all federal laws which give special privileges to unions: which establish collective bargaining as national policy, thus making individuals accept collective bargaining whether they want to or not; which exempt unions from taxation; which exempt them from anti-trust laws; and which outlaw management "yellow dog" contracts while permitting union "yellow dog" contracts — if we would just repeal all federal laws dealing with unions, leaving management free to make whatever contracts with employees that it can make; and leaving unions free to sell their services to whatever employees want to buy; and leaving to local and state police the responsibility of protecting citizens and private organizations against force and violence—the dangers of unionism would vanish.

Such a program is a vain hope, because it would require action by the national congress, whose leadership is controlled by union bosses. The only alternative at present is an effective right-to-work law in every state.

## WHO IS DAN SMOOT?

**Dan Smoot was born in Missouri. Reared in Texas, he attended SMU in Dallas, taking BA and MA degrees from that university in 1938 and 1940.**

**In 1941, he joined the faculty at Harvard as a Teaching Fellow in English, doing graduate work for the degree of Doctor of Philosophy in the field of American Civilization.**

**In 1942, he took leave of absence from Harvard in order to join the FBI. At the close of the war, he stayed in the FBI, rather than return to Harvard.**

**He served as an FBI Agent in all parts of the nation, handling all kinds of assignments. But for three and a half years, he worked exclusively on communist investigations in the industrial midwest. For two years following that, he was on FBI headquarters staff in Washington, as an Administrative Assistant to J. Edgar Hoover.**

**After nine and a half years in the FBI, Smoot resigned to help start the Facts Forum movement in Dallas. As the radio and television commentator for Facts Forum, Smoot, for almost four years spoke to a national audience giving both sides of great controversial issues.**

**In July, 1955, he resigned and started his own independent program, in order to give only one side — the side that uses fundamental American principles as a yardstick for measuring all important issues.**

**If you believe that Dan Smoot is providing effective tools for those who want to think and talk and write on the side of freedom, you can help immensely by subscribing, and encouraging others to subscribe, to *The Dan Smoot Report*.**